

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 CARI GOODWINE, :
 Plaintiff :
4 :
 v. : Case No. 04-142E
5 :
6 PHB DIE CASTING, :
 Defendant :

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9
10 Deposition of JAMAL SHIELDS, taken before
11 and by Carol A. Holdnack, RPR, Notary Public
12 in and for the Commonwealth of Pennsylvania,
13 on Tuesday, May 3, 2005, commencing at 11:55 a.m.,
14 at the offices of Knox McLaughlin Gornall & Sennett,
15 P.C., 120 West Tenth Street, Erie, PA.

16
17 For the Defendant:

18 Richard A. Lanzillo, Esq.
19 Knox McLaughlin Gornall & Sennett, P.C.
20 120 West Tenth Street
 Erie, PA 16501

21 For the Plaintiff:

22 Jeffrey A. Connelly, Esq.
23 824 Hilborn Avenue, Suite 1
24 Erie, PA 16505

25 Reported by Carol A. Holdnack, RPR
 Ferguson & Holdnack Reporting, Inc.

I N D E X

JAMAL SHIELDS

Direct Examination by Mr. Lanzillo . . . 3

1 J A M A L S H I E L D S, first having
2 been duly sworn, testified as follows:

3

4 DIRECT EXAMINATION

5 BY MR. LANZILLO:

6

7 Q. Good afternoon, Mr. Shields. My name is Rich
8 Lanzillo. I represent PHB Die Casting in a lawsuit filed on
9 behalf of Cari Goodwine. In certain responses to written
10 discovery that I served upon the Plaintiff in this case,
11 your name has been listed or designated as a potential
12 witness. And that has prompted me to ask you to come in
13 today so I can inquire of you regarding any knowledge you
14 may have that's relevant to the lawsuit.

15 Before we get started, would you first state your
16 full name for the record.

17 A. Yes. My name is -- first name is Jamal,
18 J-A-M-A-L, middle name Ari, A-R-I, last name Shields,
19 S-H-I-E-L-D-S.

20 Q. Okay. And you told me before we got started it's
21 okay if I call you Jamal?

22 A. Yes.

23 Q. All right. Jamal, have you ever had your
24 deposition taken before?

25 A. No.

1 Q. Okay. As I indicated before we got started, Carol
2 is our court reporter. She will be taking down my questions
3 and your answers. To insure that she is able to do that
4 accurately, you and I need to try to avoid talking at the
5 same time, so I'll wait for you to finish your answer before
6 I ask you the next question. And if you could wait until I
7 finish my question before you attempt to respond to it.

8 In addition to that, if at any time you don't hear
9 me clearly or if you don't understand one of my questions,
10 let me know, I would be happy to repeat or rephrase it. I
11 sometimes will ask questions that aren't the easiest to
12 follow. If I do that, just tell me, and we'll get it
13 straightened out on the record. Fair enough?

14 A. Yes.

15 Q. All right. Where do you live?

16 A. 3617 Davison Ave., Erie, PA.

17 Q. And you're currently employed at PHB Die Casting?

18 A. Yes.

19 Q. All right. How long have you been an employee of
20 PHB?

21 A. Nine years.

22 Q. Okay. And what is your current position?

23 A. Die cast operator.

24 Q. And how long have you been a die cast operator?

25 A. Nine years.

1 Q. What shift do you work at present?

2 A. First.

3 Q. How long have you been on first shift?

4 A. Maybe I would say -- call it a year-and-a-half.

5 Q. And prior to going on to first shift, what shift
6 were you on?

7 A. Second.

8 Q. And who were your supervisors, your line
9 supervisors, when you worked on second shift?

10 A. It was Rex and Ron -- Rex Ryan and Ron Sayers.
11 And then it switched to Gordy Phillips and Ron Sayers.

12 Q. And who are your current supervisors on first
13 shift?

14 A. Either Gordy Phillips or Ron Sayers.

15 Q. During the course of your employment at PHB,
16 Jamal, did you ever observe any graffiti on the walls or in
17 any location that appeared to you to be of a racial or
18 racist nature?

19 A. No.

20 Q. And that's including in the men's rooms?

21 A. No.

22 Q. You didn't see anything like that?

23 A. Never seen nothing like that.

24 Q. During the course of your employment, did anyone
25 ever use a racial slur, either directed at you or in your

1 presence?

2 A. I wouldn't -- I don't know if it's a racial slur
3 as far as the typical N word --

4 Q. Yeah.

5 A. -- or something like that. But I heard things
6 that I considered to be a racial slur.

7 Q. Okay. Why don't you tell me about that.

8 A. Well, I was told one time that -- I just made a
9 comment that I was moving around to different machines. And
10 then, you know, my foreman at that time -- that's who I had
11 said it to. And he made a reference to where, you know, to
12 where I said that you guys are bouncing me around like a
13 pool ball. And he said which one, he said, the eight ball.
14 So I took that as offensive remark.

15 Q. Who made that comment -- who was the supervisor
16 who said that?

17 A. He's wasn't a -- he's a supervisor now, but he
18 wasn't at the time. He was a foreman at the time and his
19 name is Ray Elder.

20 Q. Ray Elder?

21 A. Yes. And another time the same foreman, me and
22 another employee were -- you know, were joking around. You
23 know, acting like we were, you know, fighting or whatever.
24 It was just like playing around, just joking. And he asked
25 for Ray's assistance. And Ray rushed over and put his arm

1 around him and said, you know, yeah, because we got to stick
2 together. You know, so I took that as an offensive remark.

3 And also there was another guy, his name is Bill
4 Diehl. When I first started there, you know, I used to
5 wear, you know, like a scarf that you tie back, just like a
6 regular scarf. I used to wear that. And he made a remark
7 to where he said I looked like Aunt Jemima, and I took that
8 as offensive.

9 Q. Okay. Do you recall when Ray Elder had made the
10 comment about the eight ball to you, about when that was?

11 A. It was very -- I might have been there maybe about
12 between eight months to a year.

13 Q. Okay.

14 A. I might have been there.

15 Q. So what year did you start?

16 A. Started in '96.

17 Q. Okay. So '96/'97 time frame?

18 A. Yeah, it was early -- it was early within my
19 employment. Because that's why I didn't -- I never said
20 nothing to anybody, because I was new there, and I wasn't
21 trying to cause no strife or nothing like that, so.

22 Q. No, I got you. And the -- the statement, I take
23 it, Ray also made the statement, we've got to stick
24 together.

25 A. Yes.

1 Q. All right. And he made that to another employee
2 with whom you were --

3 A. You want to know that employee's name?

4 Q. Yeah, if you recall.

5 A. It was Shane Wagner.

6 Q. Shane Wagner?

7 A. Yes.

8 Q. When did that -- when was that comment made,
9 Jamal?

10 A. That's really hard for me to lay a finger on. It
11 wasn't too much after the first day because the pool ball
12 statement came first. And then so I really couldn't
13 pinpoint when it happened. But it was sometime after that,
14 though.

15 Q. Okay. 1996/1997, in that time frame?

16 A. Maybe even a little later than that, that he said
17 that.

18 Q. The comment made by Ray Elder, we've got to stick
19 together, did you ask him what he meant by that or did he
20 tell you what he meant by that?

21 A. No. I mean, I just kind of read into that.
22 Because he grabbed him, and he was like, yeah, because we
23 got to -- he made a gesture, because we got to stick
24 together. And, I mean, I didn't smile and I didn't laugh,
25 you know, when he said it, so he got the feeling that I

1 didn't think that was funny.

2 Q. Yeah, I understand.

3 A. I mean, because up until that point, me and Shane,
4 we were laughing, but we were laughing and joking. And then
5 he said that, and my expression just completely changed
6 after that.

7 Q. And the statement by Bill Diehl when you were
8 wearing the scarf on your head, do you remember about when
9 that happened?

10 A. See, this stuff, happened, man -- wow.

11 Q. Was this early in your employment?

12 A. It wasn't as early as the previous, but it was a
13 while ago. Man, I really can't -- I really can't tell you
14 exactly when. I mean, I didn't go around documenting stuff
15 like other people did.

16 Q. Can you give me your best recollection, Jamal.
17 Time-wise.

18 A. I started -- I was wearing a scarf there for
19 about -- at least about a year-and-a-half. So I would say
20 sometime in '98 maybe.

21 Q. Okay.

22 A. About '98.

23 Q. That's fair. All right. In terms of your work
24 assignments, Jamal, were you comfortable with how they were
25 assigned to you? In other words, I'm asking you, do you

1 think that they were assigned on a fair basis? There's some
2 allegation that assignments may have been made with racial
3 considerations in mind. And I guess I'm asking you, did you
4 experience anything like that?

5 A. I would say -- I would say it was a time I thought
6 that. Yeah, I could say that. Because it was -- I can just
7 give you an example of what -- you know, what makes an
8 individual, you know, as far as another black guy that works
9 on the floor think that is that.

10 It was an incident where, you know, I was running
11 a machine. And then, you know, when we come in, we have
12 a -- we have a schedule, a list of, you know, what machines
13 that we go to. So, you know, of course, my name was on a
14 machine. And then there were other individuals who didn't
15 have machines to run. So what they do, they put cleanup on
16 there. And so it was like maybe three, four, five people on
17 cleanup. Okay.

18 And during the course of the day, you know, while
19 I'm running my machine, these guys just walking around, you
20 know. Sometimes they clean, you know, little things. But
21 the majority of it, they were just talking to their buddies,
22 whatever. And then I finished my job. And right when I
23 finished my job another machine was being prepped and run.
24 So I finished my job, turned my count in. And immediately
25 was put right on that other machine. You know, when other

1 individuals who just walking around doing nothing, you know,
2 they didn't run the machine.

3 You know, so, of course, you know me, I'm a type
4 of individual, I question something like that. Even before
5 I don't want to just call it racist or whatever. But I need
6 to know why am I running this machine when these guys are
7 walking around. And, you know, so, of course, I was
8 explained the same thing that they always tell me; you're
9 such a good worker, blah, blah, blah. And I didn't accept
10 that, you know, because those things happened to me.

11 I can't speak for no other individual. It
12 happened to me more than once. More than twice, more than
13 five times it happened. You know, and I always got offended
14 by that, you know. And that's basically what I can say
15 about that, yes. And when those things occurred, I did
16 think that. I even, you know, approached my supervisor and
17 my foremens saying those exact words.

18 I mean, I even said, you know, is you all doing
19 this to me because of my skin or what is it, is this
20 something personal that you guys have towards me, because it
21 seems like I'm always getting this, you know. And, I mean,
22 it wasn't that smooth when I said it, either, you know. It
23 was pretty heated. You know, and I'm quite sure my
24 supervisors can recall some of those incidents because they
25 were heated.

1 Q. Okay. What did -- do you recall what they told
2 you in advance? In response -- excuse me.

3 A. In response. I'm a good worker, you know, this
4 job is important, you know, we need this -- this job, we
5 need somebody who can run this. I mean, stuff like that. I
6 mean, but.

7 Q. They have -- have they also indicated to you
8 that -- I mean, they look at you as someone who has a lot of
9 potential in the company?

10 A. Yes.

11 Q. Okay. They told you that on more than one
12 occasion?

13 A. Yes. But, to me, I think -- I don't know how to
14 say it. But, to me, I think it's just something being said,
15 you know, just to lighten me up. You know, to -- I never
16 took it serious, I just put it like that. I never really
17 took it serious. I took it to where, you know, the company
18 was starting to get into a jam so they needed somebody to
19 show on record that they're interested in who knows the
20 machines, who has a good attendance record, who obeys the
21 rules and regulations of the shop. And, of course, that's
22 what I do.

23 You know, because that's my job, that's my
24 responsibility there, is to apply myself, you know. And
25 they know that about, they know that I work hard. And so

1 when they say things like that, you know, I didn't -- I
2 really didn't take it serious. Because, you know, I looked
3 at over the years, there never was a black guy, you know, in
4 a foreman position or supervisor position. So, I mean, I
5 never took that. But those things start coming to surface
6 when we in a situation that we in.

7 Q. But they have told you that. And have they talked
8 to you about being a supervisor at some point?

9 A. Well, not like a sit-down. But, you know, just
10 like little comments. You know, like we be walking, or I go
11 in the office and turn my count in or, you know, Gordy or
12 Ron, you know, they be -- he ask me, you know, are you
13 interested in, when we going to have you -- you know, fill
14 the line in or something like that. And I just tell them
15 I'm not interested.

16 Q. Okay. That's something, though, they have raised
17 with you, and you've advised them you're really not
18 interested in that position.

19 A. (Witness nods head.)

20 Q. You're shaking your head yes.

21 A. Yes. I'm sorry.

22 Q. I have to say that, because Carol may or may not
23 see you shaking your head.

24 A. Yes.

25 Q. All right. As far as the difficulty level of the

1 machines or the jobs to which you've been assigned, do you
2 think that's been done fairly?

3 A. Sometimes, you know, I feel I get cheated on some
4 jobs sometimes. Because of the way of the speed of the
5 machines sometimes. You know, they look at my physical
6 appearance, and they just assume that I feel like running
7 that, you know. Because, you know, because I'm kind of a
8 physical person. And they just assume that.

9 But, you know, like I even told them before, you
10 know, my body needs a break too. You know, there's times
11 where I thought somebody else could have been running a
12 machine that they put me on. You know, as far as me and
13 another individual both sweeping floors, but I always was
14 the first one on the machine. That happens a lot.

15 Just like we talked earlier, you know, me and
16 another individual can be sweeping. As soon as a machine
17 was ready, Jamal is right there. It was never another
18 individual before me. I never was left on cleanup. I mean,
19 I'm being honest with you. I never was left on cleanup
20 while another individual, you know, ran a machine. It was
21 always me first on a machine.

22 Q. As far as, though, what are perceived to be
23 difficult jobs, am I correct that that kind of varies from
24 guy to guy in terms of what are the better jobs, what are
25 the worse jobs?

1 A. Exactly. See, like, with me, myself, I can run a
2 difficult machine. Where other people, they'll run it, and,
3 I mean, they're constantly moving. They don't know how to
4 figure out how to get a break in there. But I can run them
5 and figure out a break and actually have a chance to sit
6 down and catch my breath, while other individuals they can't
7 do that.

8 You know, so, like you said. But, then, again,
9 there's some, you know, white guys who get the same job that
10 I got sometimes too all the time. You know what I mean.
11 It's not just one shift. I'm running that machine one
12 shift, and then they shut it down. Then I come back, and
13 it's me running it. It's other guys who get hit like that
14 too. And they're white guys.

15 Q. Okay. And are those typically the guys who are
16 the better workers, the more athletic, that get put on those
17 machines?

18 A. I probably would just say better workers more than
19 athletic, because some of them are a little older.

20 Q. Yeah, got you.

21 A. So I won't say that.

22 Q. Would I be correct that from time to time everyone
23 in the plant will complain that, you know, this is a bad
24 job, or, you know, I would rather be doing something else?
25 I mean, I'm sure there are a variety of jobs that are

1 perceived to be rougher than others, and everyone from time
2 to time is going to complain.

3 A. Yes. Yeah, like some jobs, jobs that are easy to
4 me are hard to other individuals. And some jobs that are
5 hard to others -- I mean, are easy to other individuals are
6 hard to me. I mean, so it varies. It's the person. It's
7 the person.

8 Q. Yeah. I got you. Okay. Have Ron Sayers, Rex
9 Ryan or Gordy Phillips ever said anything to you that you
10 considered to be racist or racially inappropriate?

11 A. To my face, you mean?

12 Q. Yes, sir.

13 A. No.

14 Q. Okay. Have they ever said anything in your
15 presence that -- something you've overheard?

16 A. No.

17 Q. Okay. How about any of your other supervisors
18 that -- did they ever say anything that you considered to be
19 racist or racially insensitive or inappropriate?

20 A. I have to think on that.

21 Q. Sure.

22 A. As far as I know, no. Except for the ones I told
23 you earlier.

24 Q. Yeah. I'm talking about -- you're talking about
25 Ray Elder?

1 A. Um-hum. Yes.

2 Q. And Bill Diehl.

3 A. Yes.

4 Q. We commonly refer to it as the N word to avoid
5 offending anyone. Has anyone -- I've got to ask you, have
6 you ever heard a supervisor use that term, that word?

7 A. No. The only thing that I heard as far as the N
8 word was being used was a friend of mine, you know, white
9 guy that works there with me, he had told me that another
10 foreman said the N word to him. And he related it to me.
11 And then I told, you know, my buddy that I was going to go
12 say something about that. And he begged me not to. But
13 then I had mentioned it to another black employee, and he --
14 I don't know if he took it to Ben or whoever. But he
15 reported that. And so that as far as the other -- oh, yes.
16 And, like I said, this is probably all hearsay anyways.

17 Q. That's all right.

18 A. But there was another, you know, guy that I worked
19 with. He was telling me about something that another
20 foreman said -- and his name was Gary Gebhardt. And it
21 related to -- you know, it was football season, and they
22 were talking sports. And he asked Gary, you know, who was
23 his favorite team. And Gary replied and said that he don't
24 watch football because too many N words play.

25 Q. I got you.

1 A. So as far as the N word was being used, those were
2 the only two times that I heard.

3 Q. Okay. I think I follow you. So you never heard
4 anyone --

5 A. I never heard anyone.

6 Q. -- use the N word.

7 A. Right.

8 Q. And, you know, the N word is the word nigger.

9 A. Right.

10 Q. Obviously, for the record. We know --

11 A. I'm not offended, because I know this is the
12 situation.

13 Q. You know why we're here, right.

14 A. Yes.

15 Q. And so you never overheard anyone use that word.
16 But you were told that someone else had overheard someone
17 use that word. And you gave me the two instances when that
18 occurred. One was with an employee that you didn't mention
19 who it was, and then there was a situation with Gary
20 Gebhardt. Let me ask you about the first guy. Who told you
21 about that?

22 A. The first guy, Al Mayes.

23 Q. Al Mayes.

24 A. Al Mayes had told me that our foreman, Tom
25 Thompson --

1 Q. Right.

2 A. -- had said it. Because Al Mayes had brung in a
3 pin, you know, and it had the Budweiser slogan on it, waz
4 up, you know that.

5 Q. Right.

6 A. You know, he's one of them individuals he gets
7 real excited about it. So he was walking around showing
8 everybody his pin. Hey, man, check out my pin, it's cool,
9 it's cool. And he showed the foreman. And the foreman
10 asked him, what was he doing with that nigger S-H-I-T on.

11 Q. Well, I got it. That's what Tom Thompson told Al
12 Mayes or asked Al Mayes.

13 A. Yes.

14 Q. Or at least that's what Al Mayes told you that Tom
15 Thompson had said.

16 A. Yes.

17 Q. I got you. All right. And that got back to you,
18 Al Mayes told you about that?

19 A. Um-hum. Yes.

20 Q. And I believe that also made it to Ben Hancock,
21 and that Tom Thompson was reprimanded for that. Do you know
22 anything about that?

23 A. I don't know nothing about no reprimation [sic] of
24 that, no.

25 Q. Now, this Gary Gebhardt comment, do you know

1 when -- well, first of all, who told you about Gary's
2 comment?

3 A. Al Cropek.

4 Q. Cropek, Al Cropek. K-R-O-P-E-K?

5 A. C-R-O-P-E-K, I think.

6 Q. C-R-O-P-E-K. Okay. He told you that Gebhardt had
7 made that comment?

8 A. Yes.

9 Q. Do you know when he told you that?

10 A. You mean as far as the year?

11 Q. Yes.

12 A. I would say maybe around -- see, I'm having a time
13 remembering last year that Gary been there. Because it was
14 a couple years before he got left. And you have to ask the
15 company guys the last year that he was there because it's
16 been -- I think it's been a couple years that he had been
17 fired.

18 Q. So you think maybe two years before he was fired?

19 A. Yeah, I would say something like that.

20 Q. That's fair. This comment by Gary Gebhardt about
21 his favorite football team and why he doesn't watch
22 football, did you discuss that with Ben or anyone else in
23 human resources?

24 A. (Witness shakes head.)

25 Q. Okay. Just for the record, you shook your head

1 no?

2 A. I keep --

3 Q. That's all right.

4 A. See, like a lot of those instances that happen, I
5 mean, I'm the type of person, I don't like to cause
6 problems. You know, so what I do is, things that I know
7 about certain individuals in the shop, you know, I know it,
8 okay, you said it. But now my trust level is like way down
9 with you. And I really don't try to communicate with you.
10 You know, I be civil with you because I have to work with
11 you. You know, hi; you say hi, I say hi.

12 If -- you know, you my foreman. Jamal, you have
13 to go do this or do that, okay. You know, I won't be gruddy
14 against them or stuff like that. I know, and I just keep it
15 for my own mental record, as far as that. I never went to
16 Ben and them, you know, with accusations about other people.
17 You know, because I just -- I didn't want to cause that.

18 Unless -- and now, if a person actually said --
19 you know, said the nigger word to my face or something like
20 that, then I definitely would let Ben and them know stuff
21 like that. But, you know, as far as me just being a man
22 myself, you know, I've been living with comments like that,
23 you know, for a long time. So, you know, I'm kind of used
24 to getting around it, just blowing it off and just leave it
25 alone.

1 Q. Yeah. I understand.

2 MR. LANZILLO: Jamal, that's all the questions I
3 have. Thank you. Appreciate you coming down.
4 Let me tell you that you have the right to review
5 the transcript of your deposition before it's
6 finalized. Or you can waive that right. It's
7 entirely up to you.

8 And by review it, what happens is Carol would
9 send you your transcript before it's finalized.
10 You would then look through it and if you see
11 anything in there that is -- she didn't take down
12 correctly, any other mistakes like that. You
13 could correct those on what's known as an errata
14 sheet and send it back to Carol, and then she
15 would finalize the transcript.

16 Or you can waive that right. But it's
17 entirely up to you. You don't have to do either,
18 you can pick either one. It doesn't matter to me.

19 A. I just remembered something that you asked me,
20 have I ever had a deposition. And I do remember a time I
21 had one with the EEOC.

22 Q. Okay.

23 A. And that was pertaining to David Woodard.

24 Q. Okay.

25 A. And, you know, so I do remember them asking me

1 some questions about.

2 Q. That's fine. They were just -- that sounds like
3 an interview.

4 A. It was something like this. We didn't have a
5 stenographer or nothing, but I guess it was a lawyer or
6 somebody. I don't --

7 Q. They were just asking you some questions?

8 A. Yes.

9 Q. Yeah, that's fair.

10 A. But, you know, I would also like to say that, you
11 know, to me, as far as, you know, the attitude of the shop
12 is out there. I think a lot of it -- and I probably would
13 say most of it is with the union guys, I think, too. I
14 mean, it's a lot of them. It's a lot of them who feel
15 certain ways about blacks. And, I mean, like I said, I get
16 stories all the time about such and such and about him. So,
17 I mean, it's like -- it's not just the things that I just
18 heard as far as, you know, company people. Because I think
19 most of it is the people that I actually work with on the
20 floor.

21 Q. You have concerns that they may harbor some racist
22 feelings?

23 A. Oh, yes. And -- you know, and I tend to watch
24 them, you know, more than I do, you know, the management,
25 you know, people, but.

1 Q. You understand, I take it, if any one -- any of
2 your coworkers, whether they're union, nonunion,
3 supervisors, nonsupervisors, if they -- if they violate the
4 company's anti-harassment policy, that you can go to Ben,
5 you can go to management and report that, right?

6 A. Yes.

7 Q. Okay. I fully understand your concerns. Based on
8 everyone's individual life experience. You know, though,
9 that there is a policy in place and a procedure that if
10 something does occur that's out of line, that, you know, you
11 go to Ben, you go to someone in HR, and they're there to
12 react to it.

13 A. Yeah. You know, see, the whole thing, the whole
14 thing with me, like whenever -- if there ever was a
15 situation to where, you know, I said something about, you
16 know, the things that happen -- I -- you know, I talked to
17 Ben a few times. I even talked to Mr. Hilbert a time or two
18 about the attitude of the shop.

19 And, see, I like to let them know things about
20 stuff like that because -- not to try to get money from the
21 company or, you know -- or, like, just to try to get people
22 to lose their jobs or stuff like that, that's not me. I
23 tell them because it's something that they need to know that
24 it needs to be fixed. Because it is a small problem there,
25 you know, as far as that kind of thing goes.

1 And that's what upsets a lot of the -- you know,
2 the black employee there. Is that, you know, things be said
3 and things be reported, but the time frame and the penalty,
4 it don't match. You know, so it can be something that be
5 said, and then we sit back waiting on the result. And we,
6 like, ain't nothing happening. You know, then when
7 something do happen, you know, we feel like it's like, you
8 know, like how you smack your kid on the hand when he trying
9 to grab a piece of candy that he shouldn't be having.

10 You know, it's nothing that gotta make, gotta
11 stick in each individual that's working there. Oh, like,
12 you know, man, I really better, you know, watching -- you
13 know, watching what I say up in here, you know, now, you
14 know, because PHB is getting serious with this now. That
15 kind of vibe is not floating around on the shop.

16 You know, other guys, they laugh, ha, ha, yeah,
17 such and such said, you know, they gave him two days off.
18 You know, so what's two days off. Some people love to have
19 two days off, you know. So it's not nothing that people
20 feel threatened about.

21 You know, like Mr. Hilbert and Ben and myself, you
22 know, we had a meeting earlier last week. And that's one of
23 the things I was like -- you know, it's something that need
24 to be as serious as a fight. If a fight breaks out in a
25 shop, you history. They don't want to hear who hit who

1 first or whatever. You're done. You know, so people won't
2 fight at work. I've never seen one at work. Never even
3 seen one almost even happen. Because people know if it
4 happens, they out of here.

5 And I was telling Ben and Mr. Hilbert that. You
6 know, since the company is having these claims against them,
7 the only way you really can fix that is to be stiff as if
8 someone was to fight at work or if someone was to steal at
9 work. Those are penalties that people aren't even going to
10 dare to do. Even though people still steal a little bit.
11 But fighting, they will not do that. They can hate each
12 other, but they will never swing.

13 And the same thing, if people got the vibe on the
14 floor that if something like even almost come close to a
15 racial comment, if they get, you know -- get that brought
16 against them that they're out of there, I think that would
17 do wonders.

18 Q. So what you're saying is that the penalties could
19 be more severe.

20 A. Yes.

21 Q. That termination should be used more freely when
22 someone makes a comment.

23 A. Yes. And I think if that happened, I think the
24 situation like which PHB is in now, that it -- I don't see
25 it happening. I really don't. Because that's the whole

1 thing. Like when a black employee, you know, get amongst
2 themselves and we talk about it, that's one of the things
3 that always come up. Well, I bet you if they knew they
4 would get fired for just even coming close to trying to make
5 a racial comment, it won't happen out here, you know.

6 I mean, you know, because the main thing that
7 people say, oh, you know, I grew up out in the county, I
8 didn't grow up with blacks. You know, so they -- so to
9 them, it's okay because they never grew up around blacks.
10 But I never grew up around Chinese people. That don't make
11 me, you know, going around talking about Chinese people, if
12 I had to work with one, that I would treat them any
13 different. You know, so I always thought that was a lame
14 excuse.

15 Even other people try to, you know, use that for
16 other people. Oh, well, man, he just grew up in the
17 country, man. You know, they use that. And people don't
18 understand when stuff like that is being said, hey, it just
19 kind of makes you even angrier. Because you like, wow,
20 these people really just think that that's an excuse to have
21 that kind of thought. Oh, he's just ignorant, he don't know
22 no better. Come on.

23 Q. And you are aware that some guys have been
24 suspended and reprimanded, and I guess Gary Gebhardt was
25 fired. But you think it needs to be stronger than what's

1 happened in the past.

2 A. Yes. Because people -- when they heard about Gary
3 getting fired, everybody -- just everybody, like, he only
4 got fired because of this lawsuit. If this lawsuit -- if
5 Cari didn't have this lawsuit against PHB, PHB wouldn't have
6 did nothing. They would have did like they did Tom.
7 Because as far as we know with Tom, nothing happened. I
8 mean, that was a serious -- that was a serious thing. You
9 know. And, you know, to us, man, that really kind of
10 tickered them off.

11 And, see, by them doing that, then you got an
12 individuals who come across an incident with themselves, and
13 they look back on it; oh, they didn't do nothing, so this
14 might be a perfect time for me. You know what I mean. I
15 don't know how people think. I don't know how individuals
16 think. But that could be it.

17 But if Tom would have got a severe one, then, you
18 know, maybe individuals would say, well, you know, maybe I
19 not going to need go try to sue PHB for this. Maybe I can
20 just report this and know that they going to handle it the
21 way that they should handle it and not be that, and then we
22 wouldn't be sitting here today.

23 Q. That's Tom Thompson you're talking about?

24 A. Yeah. I mean, people was very upset about that.
25 People were very upset about that. And everybody feel that

1 PHB did not do enough to rectify that problem. Because now
2 like he'll walk past me, he won't even look at me. Where
3 before he said that comment, he always spoke to me. But
4 then when he got in that little jam like that, he don't even
5 give me eye contact. He don't give none of the black
6 employees eye contact now.

7 And, also, people said, that's nothing, you should
8 hear him at home. And that was coming from his son-in-law.
9 I think he's divorced from his daughter now. But he said
10 that ain't nothing. He said, well, you should hear him at
11 home how he talks, so. I mean, that just made a lot of
12 people upset. People already knew Gary was like that. And
13 people were just waiting for him to say something out loud,
14 and he happened to do it. And then what happened to him
15 happened, but, you know.

16 Q. On the Tom Thompson situation, though, I mean, you
17 weren't directly involved in that one.

18 A. No. Like I said, Al came to me with it. He was
19 upset. Because Al -- Al was an individual, he's not like
20 that. He never used black and white terms and stuff like
21 that, you know. He wasn't like that towards -- you know, he
22 was like one of my better friends, you know, on second shift
23 at that time. We talked about a lot of stuff. You know.
24 And he never -- you know, he was offended hisself by that.

25 That's why when I -- because he knew how I was.

1 He knew -- he told me he was hesitant about telling me. Is
2 because -- is because he know that I -- because I really
3 would have said something to Tom about it, but I didn't. I
4 say I'm just going to let it ride. I just went to the other
5 black guys in the shop; man, watch out because this was said
6 by him. You know. And, you know, like, as far as the stuff
7 that Cari and Gary went through, an individual of --
8 individual told me that. You know, so I told Cari. You
9 know, I told Cari that's what was said, you know. And then
10 Cari, you know, he took it from there.

11 Q. You're talking about information that other people
12 told you that you passed along to Cari.

13 A. Yeah. It was as far as about when I guess the
14 whole thing why this situation is here about Gary Gebhardt.

15 Q. I got you. You know I didn't ask you the -- you
16 talked about assignments and being put on machines. I'm
17 just asking for your impression. Do you think that your
18 supervisors were putting you on particular tasks because of
19 your race, or do you think it was because you were -- they
20 thought you were a good worker as they told you?

21 A. I can honestly -- I'm going to honestly tell you
22 that I would think a little bit of both. I would think it
23 is some jobs that come in there that they really -- you
24 know, pricing some new customers or something that like.
25 And I -- you know, I do think it was times where they did

1 need somebody on there that they can trust.

2 But some jobs that weren't new that everybody in
3 the shop, you know, ran before, when you find yourself
4 always running it and everybody else always complaining
5 about it, you know, it just didn't feel right. And I --
6 like I said, it was at times I did feel -- I did feel that.
7 And I even mentioned it to my supervisors at the time.

8 Q. And did they -- when you raised it with them, did
9 they tell you that was not the case?

10 A. Yeah, they told me that wasn't the case. But I
11 have my own thoughts. And then I sit back and observe
12 things. And I can give you another example about something
13 like that. Okay. If the job -- it's a job that, matter of
14 fact, I was running today. It's a heavy job. You know, you
15 got to wear two pairs of gloves, it's real hot, you grab at
16 this, it's hot, you go to crunch it, and, you know, then you
17 got to pick it back up. So you picking this part up maybe
18 three times, and it's a heavy part.

19 Okay. So we have a new individual that started at
20 PHB, was a female. It was a black female. Okay. Now, I
21 was there maybe five, six years when this person started.
22 And this job was always around. And, you know, I ran it a
23 lot. It's a heavy job. A couple other guys ran it. It was
24 a real heavy job. She was running it. And we have other
25 white females that work on the floor. They never ran it.

1 I mean, they been there three years, three, four
2 years. Other one probably been there 15, 20 years. Never
3 ran this job. Okay. So what I did, I showed her the easy
4 way of how to do it. But, I mean, this job -- I mean, I
5 wouldn't even let -- if my wife worked there, I would have
6 told her to go home. You know, I'm serious. That's how
7 difficult this job was.

8 Q. Which job is it, Jamal? Can you tell me the
9 machine?

10 A. They move them around. It's like -- I think
11 it's -- what is the die number.

12 Q. This is the on zinc side, I take it?

13 A. Aluminum.

14 Q. Aluminum.

15 A. I can't remember. I can't remember the die
16 number, but it's an awful job. Especially, in my opinion,
17 for a woman. But to see this girl run this machine, I mean,
18 there's guys who run this machine, when they run it three
19 days, they go up front. You know, and be like take me off
20 of this. This is men.

21 She was new. She didn't have her probation in, so
22 she couldn't go up there, you know, and ask them to take her
23 off. And it was like a week. It was like a week she ran
24 this job. And I never ever seen the white female employees
25 run this machine. And I even asked Ron, why is she running

1 that. I said, I never see, you know, Vicky or nobody else
2 run this machine.

3 Q. What did Ron say?

4 A. He said it just happen, you know, she just there.
5 He don't have no control over or whatever, something he said
6 like that. But it was just puzzled. I mean, even guys were
7 walking up to her; are you okay, are you all right, you need
8 a break. I was like, whoa. And this happened. And that
9 job, this happened more than one time, putting her on those
10 kind of jobs.

11 We call them suitcase jobs. You know, because
12 they have like a handle on it, and they have one that don't
13 have a handle on it. And she ran those a couple times. And
14 she wasn't happy about that job. I mean, I was really
15 surprised that she ran that.

16 Q. This suitcase job, this was a suitcase job, the
17 one with the handle?

18 A. Yeah. One of them had a handle, another one don't
19 have a handle.

20 Q. Do you recall the tonnage of the machine that she
21 was working?

22 A. At this time, this was one -- this was on an
23 800-ton.

24 Q. Right.

25 A. And other times she ran it, it was on I think

1 1000-ton.

2 Q. Okay. And do you remember -- I'm just trying to
3 figure out exactly what the particular job was. Do you
4 recall what type of part was coming out? What was it for?
5 Or the customer?

6 A. It's electrical. It's a job that they put on
7 telephone poles. Like electrical wires and -- 14 -- I don't
8 want to shout no number out because I don't want you to type
9 down, you know, a wrong number and it be a totally different
10 part.

11 Q. But you talked to Ron Sayers about it?

12 A. Oh, yeah. At the time I talked to him and Rex.
13 Because, see, what they do, they rotate. You know, Ron will
14 work first shift one week and then Rex. So they rotate.
15 And she was there. And I said something, yes, I did say
16 something to him because I never seen other girls run them
17 before. You know, and I was just like why is she running
18 this.

19 Q. Do you remember the time frame when --

20 A. It was second shift.

21 Q. Second shift. And do you remember about when this
22 took place, when this new female employee was hired?

23 A. Ben can probably answer that. Darlene Jones.

24 Q. Darlene Jones. Is it within the last year?

25 A. No, no, no. This might have been maybe two or

1 three years ago.

2 Q. Is Darlene still with the company?

3 A. No. She quit. She didn't even finish her
4 probation because she said it was too much for her. And I
5 understand why she said that, because she did get some bad
6 jobs.

7 Q. And Darlene Jones was the employee?

8 A. Um-hum.

9 Q. Okay.

10 A. I mean, like I said, me and Ben talk. Ben know
11 that, you know, how I feel about certain things out there.
12 And Ben, of course, he told me that. When things like that
13 happen to let him know, you know, and I told him I will.
14 But then I also told Ben, I was like, sometimes, you know,
15 you got to worry about am I just keep running back and forth
16 up here whining and complaining about things on the floor
17 because sometimes you start looking like that.

18 I mean, and since PHB got a lawsuit against them
19 now, all the black guys want to start running up front, you
20 know, saying stuff that this is happening and this
21 happening. They only doing that now because of Cari and
22 because of Dave, you know, and stuff like that. So, you
23 know, you kind of got to deal with that. You know what I
24 mean. Even though I don't care.

25 They can say what they want to say because I don't

1 care what they say anyways. But those are type of things
2 that you will hear now, you know, about someone said
3 something to me, hey, Ben, oh, yeah, oh, Jamal is always up
4 here talking to Ben. Now Jamal is trying to get such and
5 such fired. You really don't want to have that on you. I
6 don't want to take no one's livelihood from them. Because
7 that job take care of my family. And I'm quite sure the
8 next guy next to me, they take care of their family too.
9 But I don't think like those guys.

10 You know, I grew up in the black community. You
11 know, I grew up around a lot people that don't care for
12 white people. You know what I mean. But that don't make me
13 have to feel like that. Because I have a -- I have lots and
14 lots of white friends that come over to my house. They
15 watch my daughter, they do. You know, I go out with them, I
16 do everything with them. But, you know, it's not because I
17 grew up around white people. It's just because I'm not
18 taught like that. My mother didn't teach me like that.

19 But you do got some blacks that feel like that,
20 that I grew up around. So that's why when other individuals
21 make those kind of comments, I don't want to hear that.
22 That's just an excuse. Because if that's the case, I can
23 have that excuse too. But I don't. Because I don't carry
24 myself like that. I don't teach my kids like that.

25 MR. LANZILLO: Okay. All right, Jamal, thank you

1 very much. It's all I have. Jeff, do you have
2 any?

3 MR. CONNELLY: No.

4 MR. LANZILLO: Do you want to read or waive,
5 Jamal?

6 THE WITNESS: I would like to read it, yeah.

7 MR. LANZILLO: Okay.

8 THE WITNESS: Only reason, because I had a
9 deposition with Dave Woodard, and they wrote some
10 stuff in there that I don't even know where it
11 even came with it, so I would like it.

12 MR. LANZILLO: Sure. What will happen is Carol
13 will send you the transcript to your address
14 and -- did we get Jamal's Zip Code? What's your
15 Zip Code?

16 THE WITNESS: 16504.

17 MR. LANZILLO: 16504. And Carol will send you the
18 transcript. She needs to you have you review it
19 and send it back to her with any corrections
20 within 30 days. And then the transcript will be
21 finalized at that point. Fair enough?

22 THE WITNESS: Yes.

23 THE COURT: Thanks for coming down.

24 THE WITNESS: No problem.

25 (Deposition concluded at 12:43 p.m.)